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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Argentina, Australia, Belgium, Bulgaria, Canada, Costa Rica, Czechoslovakia, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kuwait, Liechtenstein, Luxembourg, Netherlands, Norway, Poland, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Iraq

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 1/ and the International Covenants on Human Rights, 2/

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights and to other human rights instruments,

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

Recalling its resolution 46/134 of 17 December 1991, in which it expressed its deep concern at the flagrant violations of human rights by the Government of Iraq,

Recalling also Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq should cooperate with humanitarian organizations and ensure that the human and political rights of all Iraqi citizens were respected,

Recalling in particular Commission on Human Rights resolution 1991/74 of 6 March 1991, 3/ in which the Commission requested its Chairman to appoint a special rapporteur to make a thorough study of the violations of human rights by the Government of Iraq, based on all information the Special Rapporteur might deem relevant, including information provided by intergovernmental and non-governmental organizations and any comments and material provided by the Government of Iraq,

Recalling the pertinent resolutions of the Commission on Human Rights condemning the flagrant violations of human rights by the Government of Iraq, including its most recent, resolution 1992/71 of 5 March 1992, 4/ by which the Commission extended the mandate of the Special Rapporteur for a further year and requested him in pursuing his mandate to visit again the northern area of Iraq, in particular, and to submit an interim report to the General Assembly at its forty-seventh session and a final report to the Commission at its forty-ninth session,

Recalling also Security Council resolutions 706 (1991) of 15 August 1991, 712 (1991) of 19 September 1991 and 778 (1992) of 2 October 1992,

Deeply concerned by the massive and grave violations of human rights by the Government of Iraq, such as summary and arbitrary executions, torture and other cruel, inhuman or degrading treatment, enforced or involuntary disappearances, arbitrary arrests and detentions, lack of due process and the rule of law and of freedom of thought, of expression, of association and of access to food and health care,

Deeply concerned also by the fact that chemical weapons have been used on the Iraqi civilian population, by the forced displacement of hundreds of thousands of Iraqi civilians and by the destruction of Iraqi towns and villages, as well as by the fact that tens of thousands of displaced Kurds had to take refuge in camps and shelters in the north of Iraq,

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3/ See Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

4/ Ibid., 1992, Supplement No. 2 (E/1992/22), chap. 2, sect. A.

Deeply concerned further by the current severe and grave violations of human rights by the Government of Iraq against the civilian population in southern Iraq, in particular the Shiah communities in the southern marshes,

Expressing concern in particular that there has been no improvement in the human rights situation in Iraq, and, therefore, welcoming the Special Rapporteur's proposal for the deployment of a team of human rights monitors in Iraq,

Noting that, despite the formal cooperation extended to the Special Rapporteur by the Government of Iraq, that cooperation needs to be improved, in particular by giving full replies to the Special Rapporteur's inquiries about acts being committed by the Government of Iraq that are incompatible with the international human rights instruments that are binding on that country,

1. Takes note with appreciation of the interim report on the situation of human rights in Iraq 5/ submitted by the Special Rapporteur of the Commission on Human Rights and the observations, conclusions and recommendations contained therein;

2. Expresses its strong condemnation of the massive violations of human rights, of the gravest nature, for which the Government of Iraq is responsible and to which the Special Rapporteur has referred in his recent reports, in particular:

(a) Summary and arbitrary executions, orchestrated mass executions and burials, extrajudicial killings, including political killings, in particular in the northern region of Iraq, in southern Shiah centres and in the southern marshes;

(b) The widespread routine practice of systematic torture in its most cruel forms, including the torture of children;

(c) Enforced or involuntary disappearances, routinely practised arbitrary arrest and detention, including women and children, consistent and routine failure to respect due process and the rule of law;

(d) Suppression of freedom of thought, expression and association, and violations of property rights;

3. Deplores Iraq's refusal to cooperate in the implementation of Security Council resolutions 706 (1991) and 712 (1991), and its failure to provide the Iraqi population with access to adequate food and health care;

5/ A/47/367 and Add.1.

4. Calls upon the Government of Iraq to release immediately all persons arbitrarily arrested and detained, including Kuwaitis and nationals of other States;

5. Calls once again upon Iraq, as a State party to the International Covenant on Economic, Social and Cultural Rights as well as to the International Covenant on Civil and Political Rights, to abide by its freely undertaken obligations under these Covenants and under other international instruments on human rights, and particularly to respect and ensure the rights of all individuals irrespective of their origin within its territory and subject to its jurisdiction;

6. Recognizes the importance of the work of the United Nations in providing humanitarian relief to the people of Iraq, and calls upon Iraq immediately and fully to implement the Memorandum of Understanding between the United Nations and the Government of Iraq, and to cooperate with the United Nations programmes, including ensuring the safety and security of United Nations personnel and humanitarian workers;

7. Expresses its special alarm at the repressive policies and practices directed against the Kurds which continue to have an impact on the lives of the Iraqi people as a whole;

8. Also expresses its special alarm at the resurgence of grave violations of human rights against Shiah communities, especially in southern Iraq, which is the result of a preconceived policy against the marsh Arabs in particular;

9. Further expresses its special alarm at all internal embargoes, which prevent the equitable enjoyment of basic foodstuffs and medical supplies, and calls upon Iraq, which has sole responsibility in this regard, to remove them;

10. Welcomes the Special Rapporteur's proposal for a system of human rights monitors which would constitute an independent and reliable source of information, and invites the Commission on Human Rights to follow up this proposal at its forty-ninth session;

11. Urges once more the Government of Iraq to set up an independent commission of inquiry to look into the fate of tens of thousands of disappeared persons;

12. Regrets the failure of the Government of Iraq to provide satisfactory and convincing replies concerning the violations of human rights brought to the attention of the Special Rapporteur, and calls upon it to reply without delay in a comprehensive and detailed manner;

13. Urges, therefore, the Government of Iraq to accord its full cooperation to the Special Rapporteur of the Commission on Human Rights to enable him to make the appropriate recommendations to improve the human rights situation in Iraq;

14. Requests the Secretary-General to provide the Special Rapporteur with all the necessary assistance in carrying out his mandate;

15. Decides to continue its consideration of the situation of human rights in Iraq during its forty-eighth session under the item entitled "Human rights questions" in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.